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United States District Court

Northern District of Oklahoma

FILED
APR 17 2006
Phil Lombardi, Clerk
U.S. DISTRICT COURT

STATE OF OKLAHOMA, ex rel., et al.

Plaintiff

Case Number: 05-CV-0329-JOE-SAJ

vs.

TYSON FOODS, INC., et al.

Defendants and Third Part Plaintiffs

vs.

CITY OF TAHLEQUAH, et al.

Third Party Defendants

**ANSWER OF BURNT CABIN MARINA & RESORT, LLC, PRO SE,
TO THIRD PARTY COMPLAINT**

Burnt Cabin Marina & Resort, LLC, pro se, hereby respond as follows to the allegations set forth in the Third Party Complaint:

1. Burnt Cabin Marina & Resort, LLC is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 1-65 of the Third Party Complaint and therefore denies all such allegations.

2. With respect to paragraph 66, Burnt Cabin Marina & Resort, LLC is a limited liability company under the laws of Oklahoma and leases a facility at 34996 South 502 Road, Park Hill, Oklahoma from the United States Army Corps of Engineers. Burnt Cabin Marina & Resort operates a business which includes, inter alia, a

campground, rental cabins, mobile home lots, restaurant, marina, store, public restrooms, fuel storage tanks and a private sewage system. Burnt Cabin Marina & Resort, LLC deny all remaining allegations set forth in paragraph 66.

3. Burnt Cabin Marina & Resort, LLC are without knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 67-199 of the Third Party Complaint and therefore denies all such allegations.

4. Paragraph 200-221 are denied to the extent that they relate to Burnt Cabin Marina & Resort, LLC.

ADDITIONAL DEFENSES

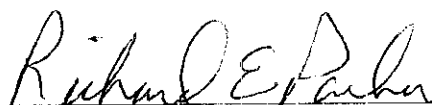
In addition to its Answer to the allegations set forth above, Burnt Cabin Marina & Resort, LLC assert the following additional defenses which bar some or all of the Third Party Plaintiffs' claims:

1. Improper service of process.
2. Any alleged damage were caused in whole or in part by Third Party Plaintiffs own negligence.
3. The list of third party complainants is incomplete and omits major parties both in Arkansas and Oklahoma within the Illinois River Watershed (IRW).
4. Burnt Cabin Marina & Resort, LLC has operated their facility in accordance with all competent authority including but not limited to the Oklahoma Department of Environmental Quality.

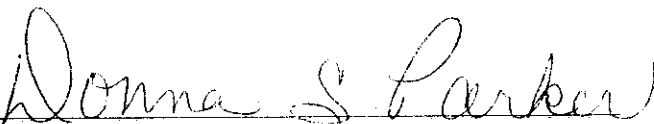
5. Burnt Cabin Marina & Resort, LLC find the complaint violates the laws of physics in that the facilities operated by Burnt Cabin Marina & Resort, LLC are located fifteen miles downstream from the mouth of the Illinois River on Lake Tenkiller. Any hazard presented by the operations of Burnt Cabin Marina & Resort, LLC (the existence of which are denied) could not harm the IRW or more specifically the Illinois River.

6. WHEREFORE, Burnt Cabin Marina & Resort, LLC request that all claims against them be dismissed with prejudice; that Third Party Plaintiffs be required to reimburse them for all fees and costs in responding to this Third Party Complaint; and for all other relief that the court deems just and proper.

Respectfully submitted this 14th day of April 2006.
Richard E. Parker



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CERTIFICATE OF SERVICE

I certify that on the 14th day of April 2006, I served the attached documents by United States Postal Service, proper postage paid, on the following:

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